

RECEIVED  
CENTRAL FAX CENTER  
SEP 20 2004

Attorney Dkt. No. 64688/155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: application of:

Steven J. Soldin

Serial No. 10/073,334

Filed: 02/13/2002

A divisional application derived from

Serial No. 09/643,723

Filed: 08/23/2000

For: A Novel 8.4 kDa Immunophilin

Group Art Unit: 1654

Examiner: Anish Gupta

BY FACSIMILE TO 703-872-9306

RE-SUBMISSION OF AMENDMENT

Commissioner for Patents

Box 1450

Arlington, VA 22313-1450

Mail Stop: Non-Fee Amendment

Sir:

On 09/09/2004 the undersigned attorney received a telephone call from Examiner Gupta informing me that the captioned application had gone abandoned for an alleged failure to timely respond to an Office Action mailed 2/24/2004.

In point of fact, applicant had submitted the required Amendment under 37 CFR 1.111 on 03/16/2004 by facsimile to the TC 1600 auto-facsimile telephone number, and received by Auto-Reply Facsimile Transmission an immediate acknowledgement of the receipt by the Office on that date of the Amendment. We attach the necessary proofs plus a copy of the Amendment originally filed on 03/16/2004. Therefore, if the examiner has not received applicant's Amendment it is due to Office error.

It is requested that any Notice of Abandment be voided, and the Amendment be entered.

Respectfully submitted,

Date of signature: 09/20/2004



Dr. Melvin Blecher

**Attorney for Applicant**  
**Reg. No. 33,649**

**Law Offices of Dr. Melvin Blecher**  
**4329 Van Ness St., NW**  
**Washington, DC 20016-5625**  
**T 202 363 3338**  
**F 202 362 8404**  
**e MBiplaw@comcast.net**

5

2

TO: Auto-reply fax to 2023628404 3/16/2004 5:01 PM PAGE 1/001 Fax Server  
 104 COMPANY:

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 2023628404

Fax Information

Date Received:

3/16/2004 4:58:48 PM [Eastern Standard Time]

Total Pages:

6 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page

=====>

03/16/2004 17:54	2023628404	MBIPLAW	PAGE 01
------------------	------------	---------	---------

LAW OFFICES OF  
DR. MELVIN BLECHER  
4329 Van Ness Street, NW  
WASHINGTON, D.C. 20016-5629

Tel: (202) 362-3338 FACSIMILE: (202) 362-8404  
e-mail: blecher@uspto.gov

**FACSIMILE MESSAGE — PLEASE DELIVER PROMPTLY**

**CONFIDENTIAL TRANSMISSION. IF MISDIRECTED, PLEASE NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL COPY TO THE SENDER.**

TO: Anish Gupta, GAC 1634, TC1500 OF: United States Patent & Trademark Office  
 FAX NUMBER: 703-472-9306  
 FROM: Dr. Melvin Blecher  
 DATE/TIME: 03/16/2004  
 OUR REF. NO.: 64688/155 NO. OF PAGES (INCLUDING COVER): 7  
 Attorney Dkt. No. 64688/155  
 In re: application of:  
 Steven A. Boldin  
 Serial No. 10/078,334  
 Filed: 02/18/2002  
 A divisional application derived from  
 Serial No. 09/643,723 Filed: 08/23/2000  
 For: A Novel 8.4 kDa Immunophilin

**MESSAGE**

Enclosed is a non-fee, before-final Amendment under 37 CFR 1.111, consisting of:

- (1) An Amendment- 3pp
- (2) Clean copy of all claims- 2pp

Authorization to file by facsimile: 37 CFR 1.8 and  
[www.uspto.gov/september11/faxnotice.htm](http://www.uspto.gov/september11/faxnotice.htm).

PAGE 10 \* RCVD AT 3/16/2004 4:58:48 PM [Eastern Standard Time] \* SVR:USPTO-EFAX \* DNIS:8729306 \* CSID:2023628404 \* DURATION (mm-ss):02-22

RECEIVED  
CENTRAL FAX CENTER

SEP 20 2004

LAW OFFICES OF  
DR. MELVIN BLECHER  
4329 Van Ness Street, NW  
WASHINGTON, D.C. 20016-5625

Tel:(202) 363-3338 FACSIMILE: (202) 362-8404  
e-mail: blecherm@aol.com

---

**FACSIMILE MESSAGE — PLEASE DELIVER PROMPTLY**

**CONFIDENTIAL TRANSMISSION. IF MISDIRECTED, PLEASE NOTIFY US BY  
TELEPHONE AND RETURN THE ORIGINAL COPY TO THE SENDER.**

---

**TO:** Anish Gupta, GAU 1654, TC1600 **OF:** United States Patent&Trademark Office  
**FAX NUMBER:** 703-872-9306  
**FROM:** Dr. Melvin Blecher  
**DATE/TIME:** 03/16/2004  
**OUR REF. NO.:** 64688/155 **NO. OF PAGES (INCLUDING COVER):** ~~10~~ 7  
**Attorney Dkt. No.** 64688/155  
**In re:** application of:  
Steven J. Soldin  
Serial No. 10/073,334  
Filed: 02/13/2002  
A divisional application derived from  
Serial No. 09/643,723 Filed: 08/23/2000  
For: A Novel 8.4 kDa Immunophilin

---

**MESSAGE**

Enclosed is a non-fee, before-final Amendment under 37 CFR 1.111,  
consisting of:

- (1) An Amendment- 3pp
- (2) Clean copy of all claims- 2pp

Authorization to file by facsimile: 37 CFR 1.6 and  
[www.uspto.gov/september11/faxnotice.htm](http://www.uspto.gov/september11/faxnotice.htm).

Attorney Dkt. No. 64688/155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: application of:

Steven J. Soldin

Serial No. 10/073,334

Filed: 02/13/2002

A divisional application derived from

Serial No. 09/643,723

Filed: 08/23/2000

For: A Novel 8.4 kDa Immunophilin

Group Art Unit: 1654

Examiner: Anish Gupta

BY FACSIMILE

AMENDMENT UNDER 37 CFR 1.111

Commissioner for Patents

Box 1450

Arlington, VA 22313-1450

Mail Stop: Non-Fee Amendment

Sir:

This is a response to an Office Action mailed 2/24/2004.

In the claims:

Amend claim 1, subparagraph (iv) as follows:

(iv) capable of specifically binding FK-506, rapamycin, [or] pharmacologically active metabolites [or derivatives] thereof, or pharmacologically active derivatives of rapamycin, but not cyclosporin.

Cancel claim 8 and replace with new claim 9:

9. A mercantile kit for the determination of immunosuppressant drugs FK-506, rapamycin and pharmacologically active metabolites thereof and pharmacologically-active derivatives of rapamycin, in a fluid sample, comprising, in separate compartments: a recombinant 8.4 kDa immunophilin according to claim 7; optionally, one or more of unlabeled said immunosuppressant drugs or pharmacologically-active metabolites thereof and pharmacologically-active derivatives of rapamycin; and, optionally, one or more labeled said immunosuppressant drugs or pharmacologically-active metabolites or derivatives thereof.